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Agenda Item: 6:00 P.M. Hearing ID#14-297
Council Date: 8/28/2014

2014 AUG 26 PM 3 29

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FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – Meeting of August 28, 2014
Supplemental Packet Date: August 26, 2014

Item(s)

6:00 P.M. Hearing ID# 14-297 – HEARING to consider Site Plan Review Application No. S-13-047 and related environmental assessment for the property located on the West side of North Hughes Avenue between West Nielson and West Belmont Avenues (District 3)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, APPROVING SITE PLAN REVIEW
APPLICATION NO. S-13-047 AND THE ASSOCIATED
MITIGATED NEGATIVE DECLARATION PREPARED FOR
ENVIRONMENTAL ASSESSMENT NO. S-13-047

WHEREAS, on November 19, 2002, by Resolution No. 2002-379, the City Council adopted the 2025 Fresno General Plan which correspondingly adopted the Edison Community Plan and by Resolution No. 2002-378 certified Master Environmental Impact Report No. 10130 which evaluated the potentially significant adverse environmental impacts of urban development within the City of Fresno's designated urban boundary line and extended sphere of influence; and,

WHEREAS, Sean Odom of GMA Consulting Engineers and Architects, on behalf of McCall Pacific, LLC, and Brenntag Pacific, Inc., has filed Site Plan Review Application No. S-13-047 pertaining to +/- 11.22 acres of property located on the west side of North Hughes Avenue between West Nielsen and West Belmont Avenues. This application requests authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs; and,

WHEREAS, the environmental assessment conducted for the proposed site plan review resulted in the filing of a Mitigated Negative Declaration on May 27, 2014; and,

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No. _____

WHEREAS, on June 18, 2014, the Fresno City Planning Commission held a public hearing to consider Site Plan Review Application No. S-13-047 and the associated Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047; and,

WHEREAS, the Fresno City Planning Commission took action, as evidenced in the Planning Commission minutes of June 18, 2014, resulting in a technical denial of the project and the related environmental assessment; and,

WHEREAS, on July 2, 2014, the Director of Development and Resource Management received an appeal from Mayor Ashley Swearengin of the Planning Commission action of June 18, 2014, regarding Site Plan Review Application No. S-13-047 and the related Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047; and,

WHEREAS, the proposed project would be located on a parcel that has been zoned M-3 (Heavy Industrial) since at least 1982, when the area was annexed into the City of Fresno; and,

WHEREAS, the proposed project falls under the category of "by-right" uses for M-3 (Heavy Industrial) and is appropriate for this zone district; and,

WHEREAS, Brenntag Pacific has a positive reputation in the City and has a history of being a good operator in the Fresno area; and,

WHEREAS, on August 28, 2014, the Fresno City Council held a public hearing to consider Site Plan Review Application No. S-13-047 and the related Mitigated Negative

Declaration prepared for Environmental Assessment No. S-13-047 and received both oral testimony and written information presented at the hearing regarding Site Plan Review Application No. S-13-047.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno, based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. The Council finds in accordance with its own independent judgment that there is no substantial evidence in the record that, with the project specific mitigation imposed, Site Plan Review Application No. S-13-047 may have additional significant effects on the environment that were not identified in the 2025 Fresno General Plan Master Environmental Impact Report No. 10130 ("MEIR") or Mitigated Negative Declaration No. A-09-02, and that all applicable mitigation measures of MEIR No. 10130 and MND No. A-09-02, have been applied to the project. In addition, pursuant to Public Resources Code Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and Mitigated Negative Declaration No. A-09-02/SCH No. 2009051016 was adopted; and, that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Accordingly, the Council adopts the Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047 dated May 27, 2014.

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2. The Council finds the approval of Site Plan Review Application No. S-13-047 as recommended by the Director of the Development and Resource Management Department and denied by the Planning Commission is in the best interest of the City of Fresno.

3. The Council of the City of Fresno hereby adopts Site Plan Review Application No. S-13-047, which approves a request to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs.

4. After receiving the staff report and testimony, the Fresno City Council has determined that the findings necessary to grant this site plan review have been met in accordance with Section 12-405-A-3 of the Fresno Municipal Code and as noted in the accompanying report to the Planning Commission dated June 18, 2014; and the City Council approves the appeal and hereby upholds the Director's approval of Site Plan Review No. S-13-047, and hereby approves Site Plan Review Application No. S-13-047 and the related Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047, subject to the Planning and Development Department Conditions of Approval detailed within the staff report.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 28th day of August, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2014
Mayor Approval/No Return: _____, 2014
Mayor Veto: _____, 2014
Council Override Vote: _____, 2014

YVONNE SPENCE, CMC
City Clerk

By: _____

APPROVED AS TO FORM:

DOUGLAS T. SLOAN
City Attorney

By: _____
Talia Kolluri-Barbick
Senior Deputy City Attorney

Dated: _____

Site Plan Review Application No. S-13-047, filed by Sean Odom of GMA Consulting Engineers and Architects, on behalf of McCall Pacific, LLC, and Brenntag Pacific, Inc.
APN(s): 458-020-70